

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Biomedical Device Consultants &
Laboratories of Colorado, LLC,

Civil File No. 17-cv-03403
DWF/SER

Plaintiff,

vs.

TA Instruments - Waters LLC,

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Defendant.

Pursuant to Federal Rule of Civil Procedure 65 and District of Minnesota Local Rule 7.1, Plaintiff Biomedical Device Consultants & Laboratories of Colorado, LLC (“BDC”) hereby moves the Court for a preliminary injunction against Defendant TA Instruments – Waters LLC (“TA Instruments”). Specifically, BDC seeks an order that Defendant, its officers, agents, and employees, and all others acting in active concert or participation with it:

1. Be enjoined from making, using, offering for sale, or selling the DuraPulse Heart Valve Test Instrument, or any other heart valve durability testing system that infringes, or when used as directed by Defendant will infringe, claims 1 or 9 of U.S. Patent No. 9,237,935, or claims 1 or 6 of U.S. Patent No. 9,186,224; and
2. Be enjoined from inducing others to infringe claims 1 or 6 of U.S. Patent No. 9,186,224;

In support of its motion, BDC relies on its Memorandum in Support of Motion for Preliminary Injunction, the Declaration of Michael Girard with exhibits, the Declaration of Craig Weinberg, and all of the files, records, and the arguments of counsel.

DORSEY & WHITNEY LLP

Dated: November 22, 2017

By /s/ Forrest Tahdooahnippah

Theresa M. Bevilacqua (#031500X)

bevilacqua.theresa@dorsey.com

Shannon L. Bjorklund (#0389932)

bjorklund.shannon@dorsey.com

Forrest Tahdooahnippah (#0391459)

forrest@dorsey.com

50 South Sixth Street, Suite 1500

Minneapolis, MN 55402-1498

Telephone: (612) 492-6636

Facsimile: (612) 677-3086

Gregory S. Tamkin

(admitted *Pro Hac Vice*)

tamkin.greg@dorsey.com

Dorsey & Whitney LLP

1400 Wewatta Street, Suite 400

Denver, CO 80202

Telephone: (303) 629-3400

*Attorneys for Plaintiff Biomedical Device
Consultants & Laboratories of Colorado,
LLC*